DOCUMENT RESUME

ED 052 728 HE 002 358

TITLE	Rules of Appointment at Franklin Pierce College.
INSTITUTION	Franklyn Pierce Coll., Rindge, N.H.
PUB DATE	15 Mar 71
NOTE	6p.
EDRS PRICE	EDRS Price MF-$0.65 HC-$3.29
DESCRIPTORS	*College Faculty, *Faculty, *Higher Education, Teacher Employment, *Tenure
IDENTIFIERS	*Franklin Pierce College

ABSTRACT

This memorandum sets forth the regulations and procedures affecting appointments to the instructional faculty of Franklin Pierce College. Part A: General Provisions, includes information on faculty ranks, the procedure of appointment, the regular review, and normal retirement. Part B deals with the terms and conditions of appointment, including the determination of the conditions, the period of appointment, and notice of reappointment or non-reappointment. Part C: Special Provisions, discusses: (1) release from contractual obligations; (2) termination for financial exigency or discontinuation of the program; (3) termination for cause and the due proceedings involved; (4) appeal for non-reappointment; and (5) disability retirement. (AF)

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ED052728

March 15, 1971

RULES OF APPOINTMENT AT
FRANKLIN PIERCE COLLEGE

Part A. General Provisions:

1. Purpose and Title:

The purpose of this document is to set forth the regulations and the procedures affecting appointments to the instructional faculty of Franklin Pierce College. It shall be referred to as "The Rules of Appointment at Franklin Pierce College."

2. Ranks:

a) The ranks of appointment to the faculty of Franklin Pierce College in order of seniority shall be: Professor, Associate Professor, Assistant Professor and Instructor. These ranks shall normally be used in regular appointments.

b) An appointment to the faculty not designated by one of the normal ranks shall carry the title of Lecturer.

3. Procedure of Appointment:

a) New appointments, reappointments and promotion shall be made by the Dean of the Faculty, subject to confirmation by the President.

b) In considering appointment to the faculty of a person not already serving on it, the Dean shall solicit the advice of the director of the division and the chairman of the department concerned and such other advice and recommendation as he may deem appropriate.

c) In considering the reappointment or promotion of a person already serving on the faculty, and before reaching a decision, the Dean shall secure the written recommendation of the director of the division and the chairman of the department concerned.

The Dean shall also consult with and secure the advice of the Committee on Promotions appointed by him, and he shall place before that Committee such information, including the above mentioned recommendations, as may be pertinent to its

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deliberations. The Dean may sit with the above Committee during its deliberations for the purpose of providing such additional relevant information as he may possess. The Committee shall secure written or oral appraisals of the person concerned by such senior members of his department and such other members of the faculty as it shall deem to be in a position to evaluate his worth, and such further information as may be useful in its deliberations.

d) Offer of appointment to the faculty shall in all cases be tendered in writing and shall include therein or by reference a statement of precise terms and conditions of appointment. For a person already serving on the faculty, such offer of appointment shall be in his hands no later than April 1.

e) Acceptance of appointment shall be indicated by returning a letter of acceptance. In the case of a person already serving on the faculty, such acceptance or rejection shall be returned not more than 15 days after the notification date. Some extension of this period may be permitted by the Dean upon specific written request in an exceptional case.

f) Notice of non-reappointment of a person serving on the faculty shall be given in writing no later than the notification date applicable to him as specified below in part "B". Such notice shall be deemed to have been given if the appointment upon which the person concerned is then serving was specifically stated to be a terminal appointment.

4. Regular Review:

a) The status of each member of the faculty shall be reviewed before the conclusion of his term of most recent appointment and in time to permit considered action upon his possible reappointment or promotion. His status may also be reviewed at any time for possible advancement.

5. Normal Retirement:

a) The age of normal retirement from service of the faculty of Franklin Pierce College will be 65 years. The date of normal retirement shall be the terminal date of the academic year in which the faculty member reaches age 65.

Part B. Terms and Conditions of Appointment:

1. Determination of Conditions of Appointment:

a) Conditions of appointment governed by the provisions of this document include period of appointment, date of notification

of promotion, reappointment or non-reappointment. These conditions shall be specified below in sections 2 and 3.

b) Other terms and conditions of appointment shall be determined by administrative action.

2. Period of Appointment:

a) Faculty at Franklin Pierce College who hold regular appointments, which shall not include lecturers, will be appointed for one year periods until they achieve tenure at Franklin Pierce College.

Tenure (in the form of a series of rolling three year appointments) shall be granted to faculty after seven years of service at Franklin Pierce College, or, for faculty with three or more years of service at other colleges or universities, after four years of service at Franklin Pierce College.

Faculty on tenure at Franklin Pierce College will be given three year, rolling appointments. After one year of service on a three year, rolling appointment the faculty member will be given a new, three year rolling appointment (i.e., the appointment will roll) if his performance is regarded as satisfactory. If the faculty member's performance is not regarded as satisfactory, the faculty member shall be so notified in writing and will continue on the second year of his three year, rolling appointment. If, after the second year of a three year rolling appointment, the faculty member's performance has improved and is regarded as satisfactory, he will be given a new three year rolling appointment. If, after the second year of a three year rolling appointment, the faculty member's performance is still regarded as unsatisfactory, he shall be notified in writing and the contract will not roll. The faculty member will continue on the third year of his three year rolling appointment and that year's appointment will be regarded as terminal.

This policy will be retroactive to September 1, 1968. Service prior to that date will not be considered.

3. Notice of Reappointment or Non-reappointment:

a) The notification date of reappointment or non-reappointment shall be not later than March 15 of the first year on the faculty of Franklin Pierce College; December 15 of the second year; or one year prior to the termination of an appointment thereafter. For appointments terminating at

mid-year, notification will be three months prior to termination in the first year, six months prior in the second year, and one year prior thereafter.

b) The notification date of promotion shall, insofar as possible, correspond with the dates given above for notification of reappointment or non-reappointment.

Part C. Special Provisions:

1. Release from Contractual Obligations:

a) The appointment of a member of the faculty of Franklin Pierce College may not be terminated by the College prior to the expiration of the period of appointment except as specified in sections 2, 3 and 5 below.

b) The appointment of a member of the faculty may be terminated if the faculty member himself requests release. In order to receive consideration, the request must be presented in writing to the Dean, and it should call for an effective date coinciding with the concluding date of the academic year, so as to avoid disruption of the work of the College. The request should be dispatched early enough to be in the Dean's hands not later than April 1 preceding the effective date. Waiver of these dates may be granted by the Dean upon specific request if, in his judgment, compliance with them may impose hardship upon the faculty member.

2. Termination for Financial Exigency or Discontinuation of Program:

a) The appointment of a member of the faculty may be terminated if the Board of Trustees determines that a state of financial exigency exists.

b) The appointment of a member of the faculty may be terminated by the Administration if the program or department of instruction in which the faculty member serves is discontinued.

3. Termination for Cause:

a) The appointment of a member of the faculty may be terminated and the faculty member may be dismissed if after due proceedings there is found to be adequate cause for such action. Adequate cause shall mean academic incompetence, behavior clearly incompatible with effective conduct of duty, or behavior seriously detrimental to the College. Due proceedings shall mean proceedings outlined in paragraphs b, c, d, e, and f, immediately following.

b) When a termination for cause is proposed, the matter shall first be brought before the Faculty Senate and the Senate shall give it consideration. The Dean shall make available to the Senate such information pertaining to the case as he may possess, and he shall cooperate with the Senate in any inquiries it may deem necessary. The Dean shall attend all meetings of the Senate relating to the case. He shall be kept fully informed of the Senate's work, and he shall keep a record of it.

c) The Senate shall see that the faculty member concerned is informed in writing of the complaints against him and shall give him a fair opportunity to reply both orally and in writing.

d) If the Senate finds no adequate cause for termination of contract or dismissal, it shall advise the President accordingly. The record of the Senate's proceedings shall be made available to the President for review. After a consideration of the Dean's report and a review of the record, the case shall be closed unless the President perceives strong reasons to institute a hearing by the Student and Academic Affairs Committee of the Board of Trustees.

e) If the Senate finds that there appears to be adequate cause for termination of appointment and dismissal, it shall advise the President and the faculty member to that effect. The record of the Senate's proceedings shall be made available to the President and the faculty member for review. Unless after consideration of the record, the President directs a more lenient action, he shall first authorize the Dean to notify the faculty member in question that his resignation would be accepted. Should the faculty member resign, the case shall be closed. Should he not resign, however, he may request the President to institute a hearing by the Student and Academic Affairs Committee of the Board of Trustees.

f) The Student and Academic Affairs Committee of the Board of Trustees may, after reviewing the records of the hearing, the report of the Dean of the Faculty, and the recommendations of the President of the College and such written memorandum as the faculty member involved may wish to submit, request a Board hearing on the case. The decision of the Board of Trustees as to whether or not it will institute the hearing and the decision of the Board of Trustees if it does institute the hearing shall be final.

4. Appeal of Non-reappointment:

a) Reappointment or non-reappointment is based upon a judgment of the professional capacity and prominence of the person concerned and of his value to the college community. The judgement presumes and seeks to uphold a condition of academic freedom.

If the faculty member who has been notified that he is not to be reappointed believes that the judgment in his case is based on grounds that conflict with academic freedom, he may appeal that action. In order to receive consideration, his appeal must be presented in writing to the Dean no more than 15 days after the notification of non-reappointment. The Dean shall place the appeal before the Faculty Senate and that body shall give it consideration. In this proceeding and in any further proceedings in the case, responsibility for specifying the grounds of the appeal and the burden of proof shall rest upon the faculty member.

If the Faculty Senate, in its initial hearing, finds reason to believe that the decision on non-reappointment was based on grounds that conflict with academic freedom, it may institute a hearing under the procedure set forth in section 3(b) through 3(f) except that in such hearing the responsibility for specifying the grounds of the appeal and the burden of proof shall rest upon the faculty member.

If the Faculty Senate, in its initial hearing, does not find reason to believe that the decision on non-reappointment was based on grounds that conflict with academic freedom, it shall so notify the President and the case shall be closed.

5. Disability Retirement:

a) A member of the faculty may be retired for reasons of disability at a date earlier than the normal retirement date. Request for such retirement should be made in writing and should be addressed to the Dean. The request should state the nature of the disability and should name the applicant's physician or other professional consultants. In the event that the faculty member himself is not able to prepare the request, he may authorize the Dean of the Faculty to prepare and submit it for him, in his behalf.

b) In any case in which disability retirement is evidently desirable, but tne faculty member himself does not seek it, the Dean of the Faculty may initiate action by submitting a written recommendation to the President. The recommendation shall be based on competent medical advice. It should state the nature of the disability and should name the physician or other professional consultants whose advice is being followed. A copy of the Dean's recommendation shall be given to the faculty member.

c) Upon receiving the request or recommendation for disability retirement, the President shall consult with the Faculty Senate. He shall place before the Faculty Senate the information pertinent to the case, and he shall consider the recommendations of the Faculty Senate in reaching his decision.

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